

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Scott Hutchison Enterprises, Inc., et al.	:	CASE NO: C-1-01-776
	:	
Plaintiffs	:	Judge Weber
	:	
vs.	:	
	:	
Rhodes, Inc., et. al.	:	
	:	
Defendants	:	

JOINT STATUS REPORT
REGARDING SETTLEMENT NEGOTIATIONS AND MEDIATION

Come now the parties to the within litigation and hereby submit their JOINT STATUS REPORT, in compliance with the Court's Order entered 9-13-05.

STATUS REPORT:

- (1) Settlement: As they stated in their Joint Status Report of 9/12/05, the parties have revisited the potential for settlement. As of today, the deadline for this Status Report, no settlement agreement has been reached. However, a settlement proposal that was submitted for consideration September 28, 2005 is still under consideration and efforts to settle the case have not been exhausted. The parties will supplement this status report on or before October 24, 2005.
- (2) Mediation: Some of the parties have stated their willingness to participate in mediation in order to attempt to achieve a settlement. However, that is also somewhat dependant on final responses to the settlement proposal of September 28, 2005, which is still under consideration. The parties will supplement this status report on or before October 24, 2005.

- (3) Contemporaneous with the filing of this report, Plaintiffs are filing a Motion seeking modification of the Court's August 18, 2005 Orders to add Rule 54(b) language that there is "no just reason for delay", so that those Orders become final appealable orders from which an appeal can be taken now, rather than after the remaining issues as to the defendants Rhodes, Zimmer and Geisler have been adjudicated. The Motion also requests a stay of proceedings before this Court while an appeal is pending.
- (4) There are no other matters to be covered in this status report at this time.

Respectively submitted,



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*Mr. Schuck was unavailable 10/10/05 to
approve/endorse this report and may endorse
or file a separate report via a separate
filing. W.P. Schroeder 10-10-05*



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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: E. David Marshall at edavidm@iglou.com; Gayle Benner McGrath at gmcgrath@wyattfirm.com; and Thomas Robert Schuck at schuck@taftlaw.com and **I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:**

Kevin J. Waldo, 413 Center Street, Ironton, OH 45638-1505; E. Christine Lewis, Wyatt Tarrant & Combs, LLP, 250 West Main Street, Suite 1600, Lexington, KY 40507-1746; W. Craig Robertson, Wyatt Tarrant & Combs, LLP, 250 West Main Street, Suite 1600, Lexington, KY 40507-1746; and M. Bradford Sanders, Sanders & Associates, 9122 Montgomery Road, Suite 201, Montgomery, OH 45242.

/S/ William P. Schroeder
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